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8 Attorneys for Complainant

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Statement of Issues Against:

Case No. *2009-301*

13 LIZA BAUTISTA MEAS
1626 East 9th Street
14 National City, CA 91950

STATEMENT OF ISSUES

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Statement of
20 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about August 15, 1997, the Board of Registered Nursing received
23 an Application for Licensure by Examination from Liza Bautista Meas (Respondent). Since
24 August 15, 1997, Respondent has filed several Request for Reapply/Repeat Examination
25 documents with the Board of Registered Nursing. The Board of Registered Nursing denied
26 Respondent's application for licensure on January 29, 2009.

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(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

(e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license.

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

REGULATORY PROVISIONS

7. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

8. California Code of Regulations, Title 16, section 1445 states:

(a) When considering the denial of a license under Section 480 of the code, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

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1 (4) The extent to which the applicant has complied with any terms
2 of parole, probation, restitution, or any other sanctions lawfully imposed against
the applicant.

3 (5) Evidence, if any, of rehabilitation submitted by the applicant.

4 **FIRST CAUSE FOR DENIAL OF APPLICATION**

5 (May 31, 2005 Criminal Conviction for Domestic Battery on April 19, 2005)

6 9. Respondent's application is subject to denial under sections 2736 and 480,
7 subdivision (a)(1) of the Code in that she was convicted of a crime that is substantially related to
8 the qualifications, duties, and functions of a registered nurse. The circumstances are as follows:

9 a. On or about May 31, 2005, in a criminal proceeding entitled
10 *People v. Liza Bautista Meas*, in San Diego County Superior Court, Case No. S193073,
11 Respondent was convicted on her plea of guilty of violating Penal Code section 243(e)(1),
12 battery of a current or former significant other, a misdemeanor.

13 b. As a result of the conviction, on or about May 31, 2005,
14 Respondent was sentenced to summary probation for three years, ordered to attend and complete
15 a 52-week Domestic Violence Rehabilitation Program, to complete a five-day Public Service
16 Work Program, and to pay fines, fees, and restitution in the amount of \$420.00. The court also
17 issued a Protective Order in Criminal Proceedings (CLETS), Order Post-Trial Probation
18 Condition, that ordered Respondent to keep 100 yards from Zion E., and have no personal
19 contact with Zion E., either directly or through a third party.

20 c. The facts that led to the conviction were that on or about the
21 morning of April 19, 2005, while en route to a medical appointment with her infant and the
22 child's father (victim), Respondent threw a baby bottle which struck the victim in the face, and
23 punched the victim's arm while he was driving the car. Law enforcement was called to the scene
24 and Respondent was arrested for domestic battery.

25 **SECOND CAUSE FOR DENIAL OF APPLICATION**

26 (November 6, 2006 Criminal Conviction for Domestic Violence on July 10, 2006)

27 10. Respondent has subjected her license to disciplinary action under sections
28 2736 and 480, subdivision (a)(1) of the Code in that Respondent was convicted of a crime that is

1 substantially related to the qualifications, functions, and duties of a licensed vocational nurse.

2 The circumstances are as follows:

3 a. On or about October 6, 2006, in a criminal proceeding entitled
4 *People v. Liza Meas*, in San Diego County Superior Court, Case No. SCS204215, Respondent
5 was convicted on her plea of guilty of violating Penal Code section 273.5(a), infliction of
6 corporal injury to spouse, a felony.

7 b. As a result of the conviction, on or about November 6, 2006,
8 Respondent was sentenced to 150 days in the county jail (with 91 days credit for time served),
9 formal probation for three years (to expire on November 5, 2009), ordered to attend and
10 complete a Domestic Violence Rehabilitation Program, and to pay fines and fees in the amount
11 of \$639.00.

12 c. The circumstances that led to the conviction were that on or about
13 July 10, 2006, victim Zion E. walked into the National City Police Department lobby to report
14 that he had been assaulted by his ex-girlfriend (Respondent). The victim and Respondent had a
15 daughter, who was one year old at the time of the assault. The victim reported that he arrived at
16 his daycare provider to pick-up his daughter. Respondent was inside the house. The victim had
17 a valid domestic violence restraining order against Respondent. Respondent and the victim
18 began arguing, and Respondent punched and kneed him in the stomach, and then bit him on his
19 arms. The victim decided to leave, and Respondent jumped into his car through the open
20 passenger window. Respondent continued to scratch and bite the victim, so the victim drove to
21 the National City Police Department. Once inside the police department lobby, he reported the
22 incident to an officer. The officer documented five bitemarks, several scratch marks on the
23 victim's chest and neck, red marks on the victim's chest, neck, arms, and back, and a 4"
24 superficial laceration to the back of his neck. Respondent was subsequently arrested for the
25 assault.

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THIRD CAUSE FOR DENIAL OF APPLICATION

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(Conviction of a Felony Substantially Related to the Qualifications,

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Functions & Duties of a Registered Nurse)

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11. Respondent's application is subject to denial under section 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, subdivision 1444, subdivision (a), in that on or about November 6, 2006, Respondent was convicted on her plea of guilty of violating Penal Code section 273.5(a), infliction of corporal injury to spouse/repeat offender/domestic violence, a felony, as described in paragraph 10, above.

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FOURTH CAUSE FOR DENIAL OF APPLICATION

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(Commission of Acts, Which if Done by a Licentiate,

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Would be Grounds for Suspension or Revocation of License)

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12. Respondent's application is subject to denial under sections 2736 and 480, subdivision (a)(3) of the Code in that Respondent's two convictions involving physical violence, as described in paragraphs 9 and 10 above, would have constituted grounds for suspension or revocation of her license had Respondent been a licentiate at the time the acts were committed.

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FIFTH CAUSE FOR DENIAL OF APPLICATION

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(Disciplinary Action Against Respondent's Vocational Nurse License)

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13. Respondent's application is subject to denial under section 2761, subdivision (a)(4) of the Code for unprofessional conduct in that the Board of Vocational Nursing and Psychiatric Technicians issued a Decision, effective October 28, 2008, adopting the Stipulation for Remand and Order, wherein Respondent's Vocational Nurse License was revoked, the revocation stayed, and Respondent was placed on probation for three (3) years on certain terms and conditions.

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SIXTH CAUSE FOR DENIAL OF APPLICATION

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**(Knowingly Make a False Statement of Fact Required
to be Revealed in the Application for Licensure)**

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1 14. Respondent's application is subject to denial under sections 2761,
2 subdivision (e) and 480, subdivision (c) of the Code in that on or about January 22, 2008,
3 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
4 representations in the Request for Reapply/Repeat Examination (Request). Respondent was
5 warned that providing false information was grounds for denial of licensure. The Request asked
6 Respondent if she had ever been convicted of any offense other than minor traffic violations.
7 Respondent checked the box "No." On or about May 31, 2005 and November 6, 2006,
8 Respondent was twice convicted of domestic violence as detailed in paragraphs 9 and 10, above.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein
11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Denying the application of Liza Bautista Meas for a Registered Nurse
13 License;
14 2. Taking such other and further action as deemed necessary and proper.

15 DATED: 5/28/09

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19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant
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